S.B.CRIMINAL MISC. TRANSFER PETITION NO.23/2006
(Smt.Santosh Bansal Vs. State of Raj. & Ors.)

Date of order : : 28.03.2007

**HON'BLE MR. KRISHAN KUMAR ACHARYA, J.**

Mr.Kulwant Singh, for the petitioner.
Mr.Ashok Upadhyay, PP for the State.
Mr.N.L.Joshi, for the respondent No.3.

Heard the learned counsel for the parties.

The learned counsel for the petitioner states that the Criminal Revision Petition No.1/2006 was pending in the Court of Additional Sessions Judge (Fast Track), Hanumangarh. The said revision petition was transferred to the Court of Additional Sessions Judge, Nohar by the Sessions Judge, Hanumangarh by administrative order. He stated that before transferring the revision petition, no notice has been issued to the petitioner. The learned counsel for the petitioner also states that the court of Additional Sessions Judge, Nohar is situated at a distance of about 100 kms. from Hanumangarh and it is very inconvenient for her to go to Nohar without hiring a vehicle which costs much. In the aforesaid circumstances, the learned counsel for the petitioner states that the revision petition may be again transferred to the Court of Sessions

Judge, Hanumangarh or any other Court in Hanumangarh.

In this transfer petition, notices were issued to the parties. Mr. N.L. Joshi has appeared on behalf of the respondent No.3. Mr. Joshi states that the case has been transferred on administrative ground therefore, there is no necessity of issuing notice to the parties and so far as the inconvenience is concerned, the same is being caused to both the parties. It has also been stated that while hearing the revision petition, the presence of the parties is not required, therefore, it is not a good ground for re-transferring the revision petition. He also states that the transfer petition filed by the petitioner is not maintainable as the petitioner should have to file misc. petition under Section 482 Cr.P.C.

I have heard the rival submissions made by the learned counsel for the parties.

The report from the Sessions Judge, Hanumangarh was also called which has been received. The Sessions Judge, Hanumangarh has explained that the revision petition was pending in the Court of Additional Sessions Judge (Fast Track), Hanumangarh. The Presiding Officer of the Court, namely, Sh. Yogendra Kumar Purohit himself

requested that this case may be withdrawn from his Court. At that time, the charge of the Court of Additional Sessions Judge No.1, Hanumangarh was also being held by Sh. Yogendra Kumar Purohit. In these circumstances, he transferred the case to the Court of Additional Sessions Judge, Nohar. He has also mentioned that now the charge of the Court of Additional Sessions Judge No.1, Hanumangarh has been assumed by Sh. Dinesh Chandra Somani and if this Court gives direction, the revision petition may be transferred to the court of Additional Sessions Judge No.1, Hanumangarh.

The revision petition has been transferred to the Court of Additional Sessions Judge, Nohar as the Presiding Officer of the Court of Additional Sessions Judge (Fast Track), Hanumangarh has requested that this revision petition may be withdrawn from his Court. At that time, the charge of the Court of Additional Sessions Judge No.1, Hanumangarh was being held by the same Presiding Officer, i.e. Sh. Yogendra Kumar, therefore, the revision petition was transferred to the court of Additional Sessions Judge, Nohar. Now, the post of Presiding Officer of the Court of Additional Sessions Judge No.1, Hanumangarh has been filled up and Sh. Dinesh Chandra Somani has joined the post of Presiding Officer of the

Court of Additional Sessions Judge No.1, Hanumangarh. The matter pertains to the area of Hanumangarh. The Court at Nohar is at a distance of about 100 kms.

Looking to the facts and circumstances of the case and in the interest of justice, the criminal revision petition No.1/2006 is hereby transferred from the Court of Additional Sessions Judge, Nohar to the Court of the learned Additional Sessions Judge No.1, Hanumangarh.

With the aforesaid observations, the present transfer petition stands disposed of.

(KRISHAN KUMAR ACHARYA), J.

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